

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

LEON SNIPES,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL NO. 05-909-WDS
)	
C/O WITTHROP, <i>et al.</i>,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

STIEHL, District Judge:

Before the Court is Plaintiff's motion for leave to file an interlocutory appeal from the Court's order dismissing several claims from this action (Doc. 21; *see* Doc. 11). Technically, this Court does not have jurisdiction to allow such an appeal. Instead, this Court only has the power to indicate that the order in question "involves a controlling question of law as to which there is substantial ground for difference of opinion [such that] an immediate appeal from the order may materially advance the ultimate termination of the litigation." 28 U.S.C. § 1292(b). Once such a finding has been stated by this Court, the Court of Appeals may "in its discretion, permit an appeal to be taken from such an order." *Id.* Therefore, the Court construes the instant motion as seeking such a written opinion from this Court.

This Court finds, however, that the order in question does not involve a controlling question of *law* as to which there is substantial ground for difference of opinion. Plaintiff does *not* challenge the validity of the case law relied upon by the Court. Rather, he takes issue with the Court's application of that law to the allegations presented in the complaint, and that sort of disagreement is not a proper matter for an interlocutory appeal. Accordingly, the instant motion is **DENIED**.

IT IS SO ORDERED.

DATED: December 3, 2007.

**s/ WILLIAM D. STIEHL
DISTRICT JUDGE**